

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNINTENTIONALLY UNDER 37 CFR 1.137(b), 37 CFR 1.155(c) OR 37 CFR 1.316(c)

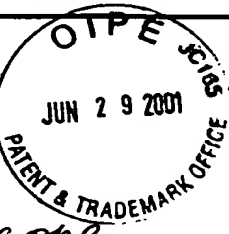
Docket Number (Optional)

First named inventor: VERNOIS

Serial No.: 08/809620

Filed: 02/05/98

Title: Improved telescope



Group Art Unit: 2872

Examiner: Thong Q. Nguyen

20

Attention: Assistant Commissioner for Patents
Commissioner of Patents and Trademarks
Washington, D.C. 20231

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703)305-9282.

The above-identified application became abandoned for failure to file a timely and proper response to the Office action mailed on 08 July 1999 which set a 3 month/day period for response. The abandonment date of this application is 31 June 2001 (i.e., the day after the expiration date of the period set for response plus any extensions of time obtained therefore).

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee
- (2) Proposed response and/or issue fee
- (3) Verified statement that the abandonment was unintentional

1. Petition fee

- ☒ Small entity - fee ~~\$225.00~~ 620.00
☐ Small entity statement enclosed herewith.
☒ Small entity statement previously filed.
☐ Other than small entity - fee \$1,170.00

2. Proposed response and/or fee

A. The proposed response and/or fee to the above-noted Office action in

the form of Reply to the detailed action (identify type of response):

- ☐ has been filed previously on _____
☒ is enclosed herewith. on April 11, 2001

B. The issue fee of \$ 55.00

- ☐ has been paid previously on _____
☒ is enclosed herewith.

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3. Verified statement that abandonment was unintentional

This application became abandoned unintentionally.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

June 27, 2001
Date


Signature

Telephone
Number: (33) 0139464106

VERNOIS
Typed or printed name

1, rue des Chalets
Address

78140 VELIZY

France

Enclosures:

☒ Response

☒ Fee Payment

☐ Small Entity Status Form

☒ Request for "Abandoned unavoidably"

By completing the Certificate of Mailing, below, the date mailed will be considered the date this paper is filed.

CERTIFICATE OF MAILING [37 CFR 1.8(a)]

I hereby certify that this paper is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Commissioner of Patents and Trademarks, Box DAC, Washington, DC 20231.

Date

Signature

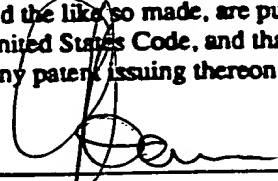
Typed or printed name

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED
UNAVOIDABLY UNDER 37 CFR 1.137(a), 37 CFR 1.155(B) OR 37 CFR 1.316(b), page 3**

NOTE: The following showing of the cause of unavoidable delay must be in the form of a declaration and must be signed by all applicants and by any other party who is presenting statements concerning the cause of delay.

The undersigned declares that the following statements made of his/her own knowledge are true, and that these statements made on information and belief are believed to be true; and further, that these statements are made with the knowledge that willful false statements, and the like so made, are punishable by fine or imprisonment, or both, under Section 1001, Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

28 June 2001
Date



Signature
VERNON

Typed or printed name

(In the space provided below, please explain in detail why a proper response was not timely filed.)

According to the joined letter to Assistant Commissioner for Patents, the ultimate date for response under 35 USC 133 was June 11, 2001.

The writing of the response begun on May 28, for a sending on June 9 or 10.

The Notice of Abandonment mailed on May 31 interrupts this writing.

After investigation, the applicant brought to the abandonment was unjustified, but that the Notice of Abandonment interrupted the prosecution.

The reply was not timely filed only because the applicant thought that the prosecution was interrupted by the Notice of Abandonment.

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(Please attach additional sheets if additional space is necessary)

[Page 3 of 3]

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE



BNP PARIBAS

N° opé : 01529270601 314 045 2
N° de page : 02 N° de copie : 01



Ordre de paiement / Payment order

N/Référence 1783140451529

Date 27.06.2001

Télex n° 000000

Agence / Branch

VELIZY

BOITE POSTALE N. 88

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WASHINGTON DC 20231

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Donneur d'ordre / By order of

M GOULVEN VERNOIS

1 RUE DES CHALETS

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Monnaie / Currency	Montant / Amount	Valeur / Value
USD	675,00	29.06.2001

Remboursement / Reimbursement

Chèque n° / Check n° 0238978

Sur / On

BNP PARIBAS SA

499 PARK AVENUE

NEW YORK, NY 10022

NEW YORK ETATS-UNIS

Répétition du montant / Repetition of amount

675,00

Motif du règlement / Reason for payment

APPLICATION 08/809620 REVIVAL

Bénéficiaire / Beneficiary

COMMISSIONER OF PATENTS AND
TRADEMARKS
WASHINGTON DC 20231

Son compte chez / In his account with

Pour toute correspondance relative à cette opération, veuillez vous adresser directement à nous-mêmes, en rappelant EXPRESSÉMENT
notre référence.

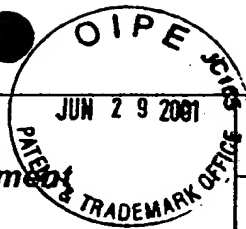
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31/05/01
31 mai 2001

Notice of Abandonment

Application No.

08/809,620

Examiner

Thong Q Nguyen

Applicant(s)

GOULVEN, VERNOS

Art Unit

2872

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 08 July 1999.
 - (a) ☐ A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) ☐ A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance.
 - (b) ☐ The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.
The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file new formal drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) ☐ Proposed new formal drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) ☐ The proposed new formal drawings filed on _____ are not acceptable and the period for reply has expired.
 - (c) ☐ No proposed new formal drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

Thong Nguyen
Primary Examiner

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31/05/01
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
AK

APPLICATION NO. 88/889,628	FILING DATE 02/05/98	FIRST NAMED INVENTOR GOULVEN	ATTORNEY DOCKET NO.
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VERNDIS GOULVEN
1 RUE DES CHALETs
78140 VELIZY
FRANCE

MMC1/0531

AIR MAIL

EXAMINER NGUYEN, T

ART UNIT 2872	PAPER NUMBER
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DATE MAILED: 05/31/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

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JUL 02 2001

OFFICE OF PETITIONS

11/04/2001

Application/Control Number: 08/809,620

Page 2

Art Unit: 2872



DETAILED ACTION

Response to Amendment

1. The reply filed on 11/05/1999 is not fully responsive to the prior Office Action because of the following omission(s) or matter(s): See Note below. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Note: In the specification, applicant has requested to cancel numerous information disclosed in the original specification. While the requests to cancel numerous description of the information are in the process of consideration to see if such request raises problems of new issue/matter; however, applicant has simultaneously rearranged and/or added some descriptions into the specification which rearrangement and/or addition of materials in the specification do not comply with the rules as set forth in MPEP. It is also noted that applicant has requested to cancel a numerous figures; however, applicant has failed to renumber the order of the remaining figures. Furthermore, the drawings still contain a label of figure 42 which does not have any description in both specification section and drawing section.

In the claims: Applicant has added some materials into the claims without underline the newly-added materials. It is also noted that applicant has added a new claim, i.e., claim 44, into the application without providing any instruction.



11/04/01
UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office 11 April 2001

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

CO:	APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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08/809,620 02/05/98 GOULVEN

V

VERNOIS GOULVEN
1 RUE DES CHALETS
78140 VELIZY
FRANCE

MM92/0411

EXAMINER

NGUYEN, T

ART UNIT

PAPER NUMBER

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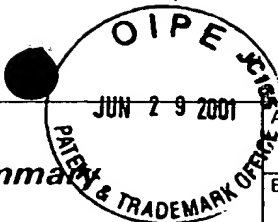
2872

DATE MAILED:

04/11/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



08/07/99
08/10/99

Office Action Summary

Application No.
08/809,620

Applicant(s)

Vernois Goulven

Examiner

Thong Q. Nguyen

Group Art Unit

2872



☒ Responsive to Election communication(s) filed on Apr 14, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-43 is/are pending in the application.

Of the above, claim(s) 13, 14, 18-21, and 23-41 is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-12, 15-17, 22, 42, and 43 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☒ The drawing(s) filed on Feb 5, 1998 is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☒ The specification is objected to by the Examiner.

☒ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been
☒ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---